

Deposition of Lieutenant Brian Russell

Christpher Bush & David Bush V S.C Adams, et al.

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1	fact, he called you back. You spoke with the 2 sheriff. But you have in Paragraph 9 of your 3 affidavit, based on no response. What did you mean 4 by that?	1 Q Yes. 2 A I've seen other protection orders, yes. 3 Q Okay. I'm just asking you in your basic 4 experience with these type of orders have you ever 5 had one say the police are directed to go get the 6 kids, that we've just granted exclusive custody to 7 this parent?
5	A (Reviews documents.) No response from 6 help from either of those jurisdictions.	8 MR. SIMOPOULOS: Objection to form. 9 BY MR. PURICELLI:
7	Q So you meant because neither would help 8 you get the kids back? Is that what you meant by 9 that?	10 Q You can answer that. 11 MR. SIMOPOULOS: Do you recall an order 12 with that exact language?
10	A Yes. That's correct.	13 THE WITNESS: No. I don't recall an order 14 with the exact language giving the authority to 15 the police to go after the kids.
11	Q So it brings me back to the question I 12 asked you before. When you asked law enforcement 13 authorities in Bucks County to recover the kids was 14 it based on the warrants, or was it based on the 15 custody order?	16 BY MR. PURICELLI: 17 Q And I know I'm beating this horse, but I 18 want this record to be clear. You just don't recall 19 what this order said other than it gave her 20 exclusive custody?
16	A It was based on the custody order.	21 MR. SIMOPOULOS: Objection to form again. 22 THE WITNESS: Once again, if I saw the 23 order to recollect my memory I would be more 24 than happy to answer those questions.
17	Q Okay. And you don't recall what the 18 custody order said?	25
19	A The custody order gave sole custody to 20 Ms. Bush and sole custody only.	
21	Q In your years of experience, the type of 22 custody order that you had received does it direct 23 the police to go and recover the kids --	
24	A I'd have to look --	
25	Q -- even though the order gives one parent	
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1	--	1 BY MR. PURICELLI:
2	A I'd have to look at the custody order.	2 Q Okay. Now, Paragraph 10 indicates that 3 you contacted the Richmond Field Office of the FBI.
3	Q I'm asking your experience, not this 4 particular one.	4 A That's correct.
5	A I'd have to look at the custody order.	5 Q Who did you speak with?
6	Q On your experience in reading these have 7 you ever had one to do that to you?	6 A A female agent. Sarah was her first name. 7 I forgot what her last name was.
8	MR. SIMOPOULOS: Asked and answered.	8 Q Sarah?
9	MR. PURICELLI: He says he has to look at 10 this one.	9 A I think it was Sarah. It was a female 10 agent that would have had duty that particular 11 night. They had a duty agent.
11	BY MR. PURICELLI:	12 Q We have a Richmond Police Department fax 13 that Adams already talked about. He has a Candice. 14 Do you know anything about that?
12	Q I'm asking in your experience of these 13 types of orders do they direct the police to go and 14 get the kids?	15 A (Reviews documents.) No.
15	A Once again, I'll have to look at the order to see what it says. Orders can be different. The wording in them can be different. Forms can be different.	16 Q Were you present for the call or 17 communications by Adams to Candice?
19	Q In your experience as a policeman have you ever seen that?	18 A I remember the phone call placed to the 19 FBI. I talked to Candice -- I didn't talk to 20 Candice, not Candice. I talked to the people on the 21 answering machine and left a message. I never 22 talked to Candice.
21	A Without looking at the specific order I can't answer that.	23 Q But you did talk to Sarah?
23	Q This wasn't the only order you saw; true, 24 this type of order? We went through that; right?	24 A Yes. Which is probably the answering service.
25	A As in a protection order?	

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1	Q So that's not an FBI agent. It's just an	1	person in the world to commit a crime?
2	answering service?	2	A Did I personally, no.
3	A Correct.	3	Q Okay. Did Sergeant Adams come up to you
4	Q Do you recall what you told the service?	4	at any time and provide you with any information
5	A They have a DI duty agent. I can't	5	that the investigation led him to believe that
6	remember if I had a call or I called Sergeant Adams,	6	Mr. Bush was agreeing with some other person in the
7	but I didn't talk to anybody at the FBI that night.	7	world to do some illegal crime?
8	Q Okay. Now, just to backtrack a little	8	A Not to me but to the Commonwealth
9	bit. When you talked with the Commonwealth Attorney	9	attorney.
10	she said if you can't recover the kids I'll approve	10	Q I beg your pardon?
11	a warrant. Did I hear that correctly?	11	A Not to me but to the Commonwealth
12	A That's correct.	12	attorney.
13	Q Did you ever contact her back?	13	Q Were you present for that conversation?
14	A Yes.	14	A Yes.
15	Q When? After all the calls to Bucks County	15	Q What did Sergeant Adams tell the
16	and teletypes?	16	Commonwealth Attorney?
17	A After the teletypes and calls to Bucks	17	A That Mr. Bush's brother accompanied him
18	County, yes.	18	down to Virginia to retrieve those children.
19	Q What did she say?	19	Q Did you see any records to indicate the
20	A Well, we were on speaker phone with	20	brother was in Virginia?
21	Sergeant Adams, and she authorized Sergeant Adams to	21	A No, sir.
22	go obtain the warrants.	22	Q So the only evidence that you're aware of
23	Q Did she identify the charge to bring?	23	is Sergeant Adams saying that David Bush's brother
24	A I don't recall. I know it was a felony	24	came to Virginia. Do I understand that correctly?
25	charge if that's what you're asking me.	25	A That when Mr. Bush came to Virginia to
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1	Q I just want to know if she told you what	1	pick his children up, alright, Mr. Bush's brother
2	to charge the person with. He ultimately was	2	accompanied him.
3	charged with conspiracy and abduction by a parent.	3	Q Okay. Do you know whether anybody ever
4	Were you aware of that?	4	saw David Bush's brother in Virginia at that time?
5	A (Reviews documents.) That's correct. It	5	MR. SIMOPOULOS: Objection. Calls for
6	looks like it's abduction and conspiracy to abduct;	6	speculation.
7	yes, that's correct.	7	THE WITNESS: That I don't know.
8	Q Now, in Virginia does conspiracy require	8	BY MR. PURICELLI:
9	two or more people agreeing to do something?	9	Q Aside from what you told me you know of no
10	A Correct.	10	other reason David Bush was charged with conspiracy?
11	Q Who was the second person Mr. Bush was	11	A No.
12	agreeing with?	12	Q Now, it indicated in your Paragraph 10
13	A I have no idea.	13	that that entity, meaning the FBI, however, did not
14	Q And in the course of your discussions with	14	act immediately. Did I read correctly?
15	the Commonwealth Attorney what information did you	15	A Correct.
16	hear that Mr. Bush was agreeing to do something	16	Q What do you mean by that?
17	illegal?	17	A They didn't act that night.
18	A I didn't have that conversation with the	18	Q Okay. When did they act?
19	Commonwealth Attorney about the specific charges to	19	A I don't think they ever acted.
20	charge Mr. Bush. That would have been Sergeant	20	Q Why didn't you say that? They didn't act
21	Adams.	21	at all instead of not immediately?
22	Q I understand. But all the conversations	22	A I have no -- I wasn't involved in this
23	that you had with the Commonwealth Attorney did you	23	with the FBI after initial contact.
24	provide any information to the Commonwealth Attorney	24	Q So would it be true, Lieutenant, that you
25	to say that David Bush was agreeing with some other	25	have no knowledge that the FBI acted on anything?

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1	A On anything? That's correct.	1	have the authority to direct anybody in Pennsylvania
2	Q Okay. You say, Therefore, I contacted two	2	or the U.S. Marshal Service to arrest anybody
3	Richmond Police Officers who are members of the	3	outside of my jurisdiction. They have the authority
4	United States Marshal Service Fugitive Task Force.	4	to do that. I do not.
5	I'm paraphrasing. Did I read that essentially	5	Q You went to them because you didn't have
6	correct?	6	the authority to arrest Mr. Bush in Pennsylvania.
7	A Yes.	7	Is that true?
8	Q Are those two people you mean, Leadbetter	8	A That's correct.
9	and Pendergrast?	9	Q So you went to somebody you thought did?
10	A That's correct.	10	A Yes.
11	Q It says, I requested these officers'	11	Q And you directly used their authority to
12	assistance in arresting Bush and returning the Bush	12	have Mr. Bush arrested in Pennsylvania; correct?
13	children to Virginia in accordance with JDR Court	13	MR. SIMOPOULOS: Objection to form.
14	Orders. The conversation took place in Virginia.	14	THE WITNESS: No. Once it's turned over
15	Did I read that correctly?	15	to the marshals they get the warrant. They get
16	A (Reviews document.) Uh-huh.	16	the address. They do everything. You have no
17	Q How did you ask for their assistance?	17	authority over the U.S. Marshals.
18	A In contacting the marshals in Pennsylvania	18	BY MR. PURICELLI:
19	and arresting Mr. Bush and returning those children.	19	Q Why did you go to the two officers that
20	Q Was it your intent to have someone in	20	were Richmond Police Officers as opposed through
21	Pennsylvania to arrest Mr. Bush?	21	channels?
22	A Was it my intent?	22	A That is our protocol. They are our
23	Q Yes. By contacting the U.S. Marshals	23	detectives that are cross designated as U.S.
24	Office was it your intent to have someone in	24	Marshals. Every warrant that we have, felony, that
25	Pennsylvania arrest him?	25	comes out of our division or anywhere in the
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1	A Based on a valid warrant, yes.	1	department is turned over to the marshals for follow
2	Q Okay. And you weren't looking anywhere	2	up.
3	else in the United States other than Pennsylvania	3	Q Does protocol require them to clear with
4	for him?	4	the U.S. Marshal's office, the use of the Marshal's
5	A At this point, that's correct.	5	office to facilitate arrests from Richmond?
6	Q So it wasn't by chance you were looking in	6	MR. SIMOPOULOS: Objection. Lack of
7	Pennsylvania?	7	foundation.
8	A I wasn't looking in Pennsylvania. The	8	THE WITNESS: I have no idea of the
9	Fugitive Task Force was looking in Pennsylvania.	9	protocol. My understanding is between the U.S.
10	Q Did you tell them to look in Pennsylvania?	10	Marshals and the Richmond Police Department.
11	A We provided them with the address that was	11	BY MR. PURICELLI:
12	on the warrant.	12	Q Now, you say here, Upon information and
13	Q Did you tell them to look in Pennsylvania?	13	belief these officers arranged for plaintiff's
14	A Yes, of course.	14	arrest. If you don't know what the protocols are
15	Q Did you tell them to look anywhere in the	15	why do you put that in Paragraph 12?
16	United States for him other than Pennsylvania?	16	A Because after his arrest they did.
17	A No.	17	Q What information did you have?
18	Q So it wasn't by chance that you were	18	A That they contacted the Marshal's office
19	directing someone in Virginia to have someone in	19	in Philadelphia and passed the information onto
20	Pennsylvania arrest Mr. Bush in Pennsylvania?	20	them.
21	A I was communicating with our U.S. Marshal	21	Q How did you get that information?
22	Service. As protocol the address on the warrant and	22	A They provided it to me.
23	any information of the whereabouts of Mr. Bush or	23	Q Who did?
24	those children would have been provided to the U.S.	24	A Detective Leadbetter and Pendergrast.
25	Marshal Service for follow-up by them. I do not	25	Q Both of them did?

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1	A I can't recall which one, but I know it 2 came from one of our representatives in the U.S. 3 Marshals Office that they forwarded the lead to 4 Pennsylvania.	1 Q If there's no trial? 2 A Hearing. What do you mean if there's no 3 trial? 4 Q Do you know if there was a trial? 5 A I don't know. I don't know if there was. 6 Q How do you learn the disposition in the 7 ordinary course of business?
8	Q Did you make the contact with them, or did 9 they make the contact with you to give you that 10 information? A They made the contact with me.	8 MR. SIMOPOULOS: Objection to form. You 9 can answer.
10	Q How long a time passed from when you went 11 to them with the warrants that they called you to give you this information?	10 THE WITNESS: The individual investigators 11 who are assigned the case will tell us.
12	A Well, number one, as protocol I passed 13 felony warrants onto them for follow up with the 14 U.S. Marshals under their protocol. So I did not 15 direct them to go to Pennsylvania to arrest 16 Mr. Bush. I turned this over as policy like we do 17 on all felony warrants to give them for follow-up 18 with the U.S. Marshals Office.	12 BY MR. PURICELLI: 13 Q You don't receive any kind of paperwork 14 from anybody? 15 A No.
19	Q Was there anyplace else in the whole 20 United States that you gave them information about 21 other than Pennsylvania?	16 Q Is there any disposition form you're 17 required to complete for the FBI on an arrest? 18 A No. Disposition form on the court case? 19 Q Sure. When a person is arrested you have 20 to fingerprint them; correct?
22	MR. SIMOPOULOS: Objection. Asked and 23 answered. You don't have to answer the 24 question again. You don't have to. This is 25 becoming harassing.	21 A Are you asking me the procedure after somebody's arrested? 23 Q No. I just want to know if you know what forms exist. And obviously you do know people are fingerprinted?
1	MR. PURICELLI: It's not harassing. He's 2 avoiding the question.	1 A Correct. 2 Q And I assume after all these years in the 3 police department you're aware that there's a 4 disposition sheet that's sent into the FBI?
3	MR. SIMOPOULOS: It is. You asked the 4 question once already. Twice actually.	5 A Optical CCR Form, yes. 6 Q And that disposition sheet is required to 7 be filled out by the originating agency. In this 8 case, Richmond Police; true?
5	MR. PURICELLI: Actually three times.	9 A Once again, you know, that's not my realm 10 of responsibility. I don't know who fills those out 11 and who sends those to the FBI. But I know that 12 fingerprint cards and arrest sheets are sent to the 13 FBI and state police.
6	BY MR. PURICELLI:	14 Q Okay. So in your years of experience you're not aware of the actual mechanism how the 16 City's required to notify you so you can fulfill 17 your duty to the FBI --
7	Q What was your belief that these officers 8 arranged for the plaintiff's arrest?	18 MR. SIMOPOULOS: Objection to form. 19 THE WITNESS: Not me.
9	A They called me and said they passed the 10 lead onto the marshals office in Philadelphia I 11 believe as protocol. Just the way for marshals 12 office receives other leads on other marshals 13 offices throughout the country.	20 BY MR. PURICELLI: 21 Q Not you personally. The police department.
14	Q Do you know the outcome of the arrest 15 charges?	23 A I'm not familiar once that CCR goes to the Court. Because it does go to the Court. I don't think it comes back to us after it goes to the
16	A I understand they were dismissed or no 17 pros'd.	25
18	Q How did you come to that understanding?	
19	A Sergeant Adams told me or maybe the 20 Commonwealth Attorney, Mary Langer, told me.	
21	Q What's normal protocol when a felony 22 warrant is turned over to the U.S. Marshals Office?	
23	An arrest is made and the person is brought back to 24 Richmond. What occurs after that?	
25	A A trial.	

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<p>1 Court.</p> <p>2 Q Did Sergeant Adams tell you why the 3 charges did not result in a trial or a conviction?</p> <p>4 MR. SIMOPOULOS: Objection to form.</p> <p>5 THE WITNESS: I don't remember that. I 6 don't remember whether he did or he didn't.</p> <p>7 BY MR. PURICELLI:</p> <p>8 Q You weren't present for any of the 9 hearings; correct?</p> <p>10 A No.</p> <p>11 Q Did you speak to anyone from Luzerne 12 County?</p> <p>13 A No.</p> <p>14 Q From Tioga County?</p> <p>15 A No.</p> <p>16 Q Did you speak to anyone from Mansfield 17 State Police?</p> <p>18 A No.</p> <p>19 Q Did you speak to anyone from Montoursville 20 State Police?</p> <p>21 A No.</p> <p>22 Q Did you speak to Captain Mark Segal?</p> <p>23 A No.</p> <p>24 Q Do you know who he is?</p> <p>25 A Yes.</p>	<p>1 following day unless there was really unusual 2 circumstances. If the kid's a 2-year old or a 3 10-year old we would send somebody out after hours 4 if they were 10 or below.</p> <p>5 Q Okay. Assume this is unusual 6 circumstances, and assume nobody from Youth Services 7 is there. That means it's not going to be delayed 8 until the next morning. It's going to be handled 9 immediately; correct?</p> <p>10 A Correct.</p> <p>11 Q What would happen next?</p> <p>12 A Sergeant Adams would assign a detective to 13 follow up on it or handle it himself.</p> <p>14 Q I'm talking about the initial report when 15 the report comes in?</p> <p>16 A Oh. We don't do the initial reports.</p> <p>17 Q That's what I'm trying to get to.</p> <p>18 A The uniform officer does the initial 19 report.</p> <p>20 Q And Captain Segal is not a uniform 21 officer?</p> <p>22 A Yes, he is.</p> <p>23 Q He's a high ranking officer; isn't he?</p> <p>24 A I believe at that time, watch commander.</p> <p>25 Q He's in charge of all the divisions in the</p>
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<p>1 Q Who is he?</p> <p>2 A He's the captain who took the missing 3 person report.</p> <p>4 Q Are those the three forms that we have 5 there?</p> <p>6 A That is correct.</p> <p>7 Q Is it usual for a captain on night watch 8 to take a missing child report?</p> <p>9 A No.</p> <p>10 Q Why would the captain be taking this as 11 opposed to a patrol officer?</p> <p>12 A I have no idea.</p> <p>13 Q Did you have any conversations with 14 Captain Mark Segal about the Bush incident: The 15 arrest, the missing children report?</p> <p>16 A No.</p> <p>17 Q Ordinarily a person comes in and reports a 18 child missing. How is that assignment taken and 19 delegated to someone under the procedures of the 20 police department?</p> <p>21 A It comes into Youth Services Department, 22 and if there's a detective working that particular 23 night it's assigned to that detective who 24 immediately responds to follow up. If it comes in 25 after hours it would have been assigned the</p>	<p>1 city?</p> <p>2 A Yes.</p> <p>3 Q I call them divisions.</p> <p>4 A We call them precincts. But he was in 5 charge of the city at the time.</p> <p>6 Q And because I'm not familiar with the 7 police department each precinct has a commander in 8 charge of that precinct?</p> <p>9 A That's correct.</p> <p>10 Q What rank is that person?</p> <p>11 A Commander which is the captain.</p> <p>12 Q Would he have an administrative 13 lieutenant, a person who does the paperwork?</p> <p>14 A Yes.</p> <p>15 Q And a captain wouldn't go out doing 16 patrol, but taking reports, answering bank alarms, 17 things of that; correct?</p> <p>18 A At a precinct?</p> <p>19 Q Yes.</p> <p>20 A Usually not but they have in the past.</p> <p>21 Q And night command, which is what I'm 22 referring to the sergeant. He made sure all the 23 precincts were working; correct?</p> <p>24 A Correct.</p> <p>25 Q And each has an area of responsibility, a</p>

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1	district?	1	with Youth Services.
2	A Right.	2	Q He wouldn't have gone through you?
3	Q And the captain would know basically from	3	A No.
4	the complaint and say they live in which precinct or	4	Q Is there anyone you spoke to in regards to
5	district to send that person to?	5	any of the matters we've talked about today that we
6	A Yes.	6	haven't discussed?
7	Q How many times does night command take in	7	A No.
8	complaints, incidents?	8	Q Any documents you're aware of that exist
9	MR. SIMOPOULOS: Objection. Calls for	9	that you haven't seen today?
10	speculation.	10	A No.
11	BY MR. PURICELLI:	11	Q Have you seen the Pennsylvania court
12	Q In your experience?	12	orders?
13	A They have in the past maybe once a week,	13	A I don't recall without looking at them.
14	once every two weeks.	14	Q So there could be documents?
15	Q What type jobs are you familiar with	15	A I don't recall reading any of them, but it
16	taking in?	16	doesn't mean I didn't.
17	A They're actually the highest official at	17	Q Did you receive any teletypes from the
18	night.	18	Pennsylvania State Police?
19	Q I understand that. I understand that.	19	A No.
20	A There's reports that they have to do.	20	Q Did anybody tell you they received
21	They have to take complaints, complaints against	21	teletypes from Pennsylvania State Police?
22	officers. They have to follow up. If you're asking	22	A No.
23	me if it's unusual for a captain to take a report	23	Q Did anybody tell you they spoke with
24	like this?	24	somebody with the Pennsylvania State Police?
25	Q I am.	25	A No.
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1	A The answer would be yes.	1	Q Did anybody tell you they spoke with
2	Q This is essentially a missing child	2	anybody with any law enforcement in Pennsylvania?
3	complaint. And children are important but under	3	A Yes.
4	these facts and circumstances why would that not be	4	Q Who?
5	assigned to the precinct?	5	A U.S. Marshals.
6	A You have to ask Captain Segal.	6	Q And who at the U.S. Marshals?
7	Q Good suggestion. And Captain Segal never	7	A I have no idea.
8	contacted you?	8	Q All right. This unknown marshal said
9	A Never contacted me, no.	9	what?
10	Q And you're the person in charge of	10	A If you're asking me do I have any
11	Children Services Unit?	11	knowledge of any conversations that Detective
12	A Correct.	12	Leadbetter and Pendergrast had as a result of the
13	Q What is the chain of command you follow?	13	lead to Pennsylvania?
14	A I have a Chief, Assistant Chief, Major of	14	Q We'll start with that one.
15	Support Services, Captain of Major Crimes Division	15	A Yes. I know they spoke to U.S. Marshals
16	and then three lieutenants. At that time I was	16	in Pennsylvania.
17	Lieutenant of Major Crimes who oversees Youth	17	Q But you don't know who they talked to?
18	Services.	18	A No.
19	Q Is it usual for a captain not to contact	19	Q Aside from that conversation are you aware
20	you about a matter that you overlooked?	20	of any other conversations with any law enforcement
21	A He wouldn't have contacted me on this	21	entity in Pennsylvania that we haven't talked about
22	matter.	22	today?
23	Q Why?	23	A No.
24	A That's not protocol. He would have	24	Q And your job to supervise Sergeant Adams
25	contacted a Youth Services detective or a sergeant	25	included when he seeks warrants; is that right?